IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 8533 OF 2005
IN
CRIMINAL APPEAL NO.177 OF 2005

Vishram Kama Vanel .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr. K.M. Sangani for the applicant.
Ms. P.H. Kantharia, APP for Respondent.

CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI,JJ.

Date : January 10, 2006.

P.C.:

1. Heard the learned counsel for the applicant who has been convicted and sentenced in Sessions Case No.1218 of 1994 for offences punishable under Sections 302, 541 read with Section 34 and Section 323 of IPC. Criminal Appeal No.177 of 2005 filed against the said order of conviction and sentence has been admitted by this court on 28/2/2005. Criminal Application No.1531 of 2005 was filed by the present applicant along with his wife, who is accused no.2 and the said application was partly allowed by this court on 18/8/2005. The prayer for bail made by the present applicant was rejected, while the prayer of his wife for bail was

granted and she was directed to be released on bail in the sum of Rs.30,000/- with one or two sureties. Criminal Application No.6161 of 2005 was thereafter filed by the present applicant and the same was rejected by this court on 23/9/2005 on the ground that there was no new point urged.

2. In support of this third application, the applicant has relied upon the medical certificates issued by Dr. Shailesh Mehta on 22/11/2005 and the certificate issued by D.Y.L. Nair Chest Hospital on 2/12/2005. These certificates indicate that the accused no.2, released on bail by this court, requires to undergo a surgery and the approximate expenses are stated to be Rs.45,300/-. The applicant claims that he needs to be released on bail to attend to his wife’s hospitalisation and to arrange for the financial resources.

3. We are satisfied that these additional circumstances by themselves cannot be the reason for the applicant to bereleased on bail and under Rule 19 of the Prisons (Bombay Furlough and Parole) Rules, 1959 he can apply to the Competent Authority for being released on parole to attend to his wife’s hospitalisation.

4. The application is, therefore, rejected and we make it clear that if the applicant applies to the Competent Authority under Rule 19 of the Prisons (Bombay Furlough and Parole) Rules, 1959, the said application shall be considered without being influenced by this order.

(Smt. R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**